

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

913 ANTICIPATORY BAIL APPLICATION NO.321 OF 2022

**JEJERAO CHANDRAO AMBULGEKAR
VERSUS
THE STATE OF MAHARASHTRA**

Mr.A.B. Jagtap, Advocate for the applicant.

Mr.V.M. Kagne, APP for the respondent/State.

**CORAM : SMT. VIBHA KANKANWADI, J.
DATED : 26.04.2022**

PC :-

01. The applicant is apprehending his arrest in connection with Crime No.4 of 2022 registered with Palam Police Station, Dist. Parbhani for the offences punishable under sections 420, 467, 468, 471, 409 read with section 34 of the Indian Penal Code.

02. Heard Mr.A.B. Jagtap, learned Advocate for the applicant and Mr.V.M. Kagne, learned APP for the respondent/State.

03. In order to cut-short, it can be stated that though both have made submissions in support of their respective contentions, only thing which has been added by learned APP is that the forgery on the cheque can be seen with

use of some other stamp of the Grampanchayat, which was other than the stamp earlier approved by the Grampanchayat. The Investigating Officer has informed that the applicant had attended police station as per the condition that was imposed by the interim order. Yet the recovery of the said stamp and specimen signatures of applicant is yet to be done.

04. The informant is a Sarpanch of village Dongargaon, who came to be elected on 12.02.2021. She has stated that there is joint account in the name of Sarpanch as well as Gramsevak with Maharashtra Gramin Bank, Branch at Palam. The account is used for getting the amount sanctioned by the Government for the various schemes to be implemented and also payments are made from that account. The Sarpanch - informant states that the work of getting roads as cement roads within Grampanchat was to be undertaken. Therefore, she used to discuss with the Gramsevak as to how much amount is the balance in the account and of how much work can be got done from the balance. However, the Gramsevak used to avoid giving answers to said question and therefore she became suspicious and got information about the account. At that time, she revealed that by forging her signature the Gramsevak i.e. present applicant has withdrawn amount of

Rs.3,71,087/- and therefore she has lodged the report.

05. The applicant has produced transfer order passed by the Chief Executive Officer, Zilla Parishad, Parbhani and it shows that he joined the Grampanchayat, Dongargaon in July, 2021. It indicates that the informant had already put five months service as Sarpanch before the applicant could join as Gramsevak. The FIR is silent as to since when she started asking about the particulars and why immediately she had not tried to get the documents from the bank when in-fact it was easy for her to go to bank and make inquiry. The applicant has also produced other document in the form of resolution of the Grampanchayat for clearing the dues of a person who had put in the work. Therefore, it would be an endeavour for the Investigating Officer to consider whether the payments which were made under these signatures on the cheques were the same which matched with the resolution. There appears to be statement of one Shivaji Nirdude to whom two cheques were given which are included in the FIR and he says that, that amount was due to him from the Grampanchayat. If that amount was due towards him and he has received it from the Grampanchayt, how there can be misappropriation or cheating. The FIR is silent about the resolution. When any payment is to be made from the

Grampanchayat, said procedure is contemplated and definitely resolution for clearing said payment would be necessary.

06. There appears to be one complaint against the informant also in respect of misappropriation. Under such circumstances, only for the sake of getting specimen signature and interrogation, physical custody of the applicant is not necessary. Making him available for investigation would suffice and therefore the interim protection granted by this Court on 22.03.2022 deserves to be confirmed. Accordingly, it is confirmed on the same conditions and order.

[SMT. VIBHA KANKANWADI, J.]